

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JONATHAN ROGOFF,

Plaintiff,

v.

No. CIV-10-1041 LAM

**MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on the status conference set for Wednesday, July 6, 2011. [Doc. 15]. Defendant appeared through counsel of record, Manuel Lucero and Michael Allen Moss, however, Plaintiff's counsel, Michael D. Armstrong, failed to appear at the hearing. On March 18, 2011, the Court entered an *Order Setting Briefing Schedule* (Doc. 9), wherein Plaintiff was ordered to file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law by May 18, 2011. On May 25, 2011, the Court entered an *Order to Show Cause* (Doc. 11), directing Plaintiff by June 8, 2011, to either file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law, or file a response showing cause why this case should not be dismissed. On June 9, 2011, Plaintiff a *Response to Order to Show Cause & Unopposed Motion for Extension of Time* (Doc. 13), in which Plaintiff's counsel stated that he missed the deadline to file a Motion to Reverse or Remand Administrative Agency Decision because of workload and staffing issues, and that the staffing matter has been resolved. [Doc. 13 at 1-2]. Plaintiff asked the Court to extend the deadlines in this case to June 22, 2011, for Plaintiff to file a Motion to Reverse or Remand Administrative

Agency Decision; August 22, 2011, for Defendant to file a response; and September 6, 2011, for Plaintiff to file a reply. *Id.* at 1-2. On June 14, 2011, the Court entered an order quashing the order to show cause and granting Plaintiff's motion to extend the deadlines in this case. [Doc. 14]. On June 28, 2011, the Court set a telephonic status conference to inquire why Plaintiff had not yet filed his Motion to Reverse or Remand Administrative Agency Decision (Doc. 15), and Plaintiff's counsel failed to appear for the hearing.

WHEREFORE, IT IS HEREBY ORDERED that Plaintiff's counsel, Michael D. Armstrong, shall appear *in person*, and Plaintiff, Jonathan Rogoff, together with counsel for Defendant, may appear by telephone before this Court on **Monday, July 11, 2011 @ 11:00 a.m.** at the United States District Court, 100 North Church, Las Cruces, New Mexico, to show cause why Mr. Armstrong should not be held in contempt of Court for his failure appear telephonically or otherwise at the July 5, 2011, status conference and to file a motion to reverse or remand, and to show cause why the Court should not dismiss his case for failure to prosecute. Plaintiff and counsel for Defendant shall call into the Court's Meet-Me Line at **505-348-2694**.

IT IS FURTHER ORDERED that Mr. Armstrong is required to hand-deliver a copy of this *Order to Show Cause* to his client, Plaintiff Jonathan Rogoff, and shall immediately provide the Court with proof that he has done so. Such proof shall include a copy of this *Order to Show Cause* signed by Mr. Rogoff, and may be faxed to the Court at 575-528-1655.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent